IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

      Hans-Ulrich von Helmolt, *et al.*

Application No. 10/569,761

Filed: February 24, 2006

For: **A DATA PROCESSING METHOD,**
      SYSTEM AND COMPUTER
      PROGRAM

Examiner: Olusegun Goyea

Art Unit: 3687

Confirmation No.: 8060

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P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

      The Appellants submit the following Reply Brief pursuant to 37 C.F.R. § 41.41 for

consideration by the Board of Appeals and Interferences ("Board"). This Reply Brief is

responsive to the Examiner's Answer of July 20, 2010.

REMARKS

The Examiner's Answer mailed July 20, 2010 has been received and carefully noted. Claims 1-28 are currently pending and claims 1-28 are rejected in the Application. Claim 29 was cancelled. Favorable reconsideration of the pending claims is respectfully requested in view of the following comments.

I. Claim Rejections – 35 U.S.C. § 103

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham).

The Appellants respectfully request reversal of these rejections because the cited references do not teach or suggest all the claim limitations.

A. Rejection of Claims 1-12, 14, 15, and 19 under 35 U.S.C. § 103 Based on Kumar and Sunderasan

1. Claims 1-5, 7-12, 14, 15, and 19.

(a) Claims 1-5, 7-12, 14, 15, and 19 Are Patentable at Least Because the Combination of Kumar and Sunderasan Fails to Disclose Sub-Items that are Mapped to Another Item Based on an Item Identifier and Sub-item Identifiers.

Claim 1 recites "receiving a request for an item from a customer data processing system at a central data processing system, wherein the request includes an item identifier associated with the item; generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" (emphasis added). Claims 14 and 19 recite analogous elements. The combination of Kumar and Sunderasan fails to teach or suggest these elements of claims 1, 14, and 19 for at

least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses sub-items that are mapped to another item based on an item identifier and sub-item identifiers.

In particular, Kumar fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items," because the line-items of Kumar are not mapped to sub-items based on identifiers associated with the line-items such that sub-requests for these mapped sub-items can be generated. As noted in the Appeal Brief, Kumar discloses a system in which clients submit requests for products to a fulfillment server. See Kumar, Column 4, Line 42 through Column 5, Line 3. The requests include line-items that pertain to the products requested by the clients. See Id. Sub-requests are subsequently generated for the products associated with each line-item. See Id. The fulfillment server returns sub-quotations responsive to the sub-requests. See Id. However, Kumar fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items," because the line-items of Kumar are not mapped to sub-items based on identifiers associated with the line-items such that sub-requests for these mapped sub-items can be generated. See Id. By failing to associate each sub-item to another item, the system of Kumar does not breakdown items into sub-items as recited in claim 1. Instead, the line-items of Kumar form the basis for the sub-requests without being mapped to sub-items with associated identifiers. See Id.

In the Examiner's Answer, the Examiner cites several sections of Kumar to allegedly disclose request and quotation identifiers. See Examiner's Answer, Pages 26-28. Specifically, the Examiner argues that line-items of Kumar include a request ID that links line-items to requests. See Examiner's Answer, Page 27 citing Kumar, Column 13, Lines 40-45 and Column 14, Lines 45-50. The Examiner further argues that Kumar discloses component quotations that include several different identifiers. See Examiner's Answer, Pages 27 and 28 citing Kumar, Column 20, Lines 23-30 and Column 22, Lines 19-23. However, the Examiner has failed to explicitly address and it is not apparent how any of these identifiers for requests and quotations are in anyway related to identifiers for *an item* and its *sub-items*, because instead they are only related to a request and a quotation for the request without correlation to a hierarchy of items (*i.e.* mapping items to sub-items). Specifically, identifiers associated with a request for a specific line-item and identifiers associated with quotations for the requests convey no information about

an item and sub-item relationship or hierarchy. In contrast, claim 1 recites item and sub-item relationships/hierarchy information by reciting "each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items."

For at least the reasons presented above, <u>Kumar</u> fails to disclose "generating a plurality of sub-requests for sub-items of the item, each of the sub-items are mapped to the item based on the item identifier and sub-item identifiers associated with the sub-items" as recited in claim 1. Furthermore, the Examiner has not cited and the Appellants have been unable to locate any sections of <u>Sunderasan</u> that cure the deficiencies of <u>Kumar</u>. Therefore, the combination of <u>Kumar</u> and <u>Sunderasan</u> fails to teach or suggest each element of claim 1 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claim 1 be overturned.

Further, as mentioned above, claims 14 and 19 include elements analogous to those of claim 1. For at least the reasons discussed above in the Appellants' argument over the 35 U.S.C. § 103 rejection of claim 1, the Appellants submit that the combination of <u>Kumar</u> and <u>Sunderasan</u> fails to teach or suggest each element of claims 14 and 19. Therefore, the combination of <u>Kumar</u> and <u>Sunderasan</u> fails to teach or suggest each element of claims 14 and 19 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claims 14 and 19 be overturned.

Dependent claims 2-5, 7-12, and 15 depend from base claims 1 and 14, respectively and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with the respective base claims, the Appellants submit that the combination of <u>Kumar</u> and <u>Sunderasan</u> fails to teach or suggest each element of claims 2-5, 7-12, and 15 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claims 2-5, 7-12, and 15 be overturned.

> ### 2. Claim 6
>
> #### (a) Dependent Claim 6 Is Patentable at Least Because the Combination of <u>Kumar</u> and <u>Sunderasan</u> Fails to Disclose a Partner System that Deletes a Reservation for Requested Resources.

Claim 6 recites "the partner system deletes the reservation for the requested resources

unless the central data processing system sends a message if no acceptance is received from the customer within the predetermined time interval." The combination of Kumar and Sunderasan fails to teach or suggest these elements of claim 6 for at least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses a partner system deletes a reservation for requested resources unless a central data processing system sends a message.

In maintaining the rejection of claim 6, the Examiner argues that Kumar discloses a supplier system that withdraws a component quotation if the supplier loses a source for raw materials. See Examiner's Answer, Pages 32 and 33 citing Kumar, Column 5, Lines 4-26; Column 10, Lines 20-48; Column 13, Lines 16-20; and Column 17, Lines 29-31. The Examiner concludes that Kumar discloses functionality to delete a quotation if no acceptance is received from a client. See Id. However, the Examiner has failed to find support for this assertion in the cited art. Specifically, the Examiner has failed to cite and the Appellants have been unable to locate any sections of Kumar that disclose deleting a reservation for requested resources if an acceptance has not been received from a customer within a predetermined time interval, because Kumar is silent regarding withdrawing a quotation under such circumstances. Instead, as noted by the Examiner, Kumar discloses withdrawing a component quotation if the supplier loses a source for raw materials. See Examiner's Answer, Pages 32 and 33 citing Kumar, Column 5, Lines 4-26; Column 10, Lines 20-48; Column 13, Lines 16-20; and Column 17, Lines 29-31. However, this discloses nothing regarding whether an acceptance has been received.

Thus, for at least the reasons presented above, Kumar fails to disclose "the partner system deletes the reservation for the requested resources unless the central data processing system sends a message if no acceptance is received from the customer within the predetermined time interval" as recited in claim 6. Furthermore, the Examiner has not cited and the Appellants have been unable to locate any sections of Sunderasan that cure the deficiencies of Kumar. Therefore, the combination of Kumar and Sunderasan fails to teach or suggest each element of claim 6 and this claim is separately patentable. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claim 6 be overturned.

B. Rejection of Claims 13, 16-18, and 20-28 under 35 U.S.C. § 103 Based on Kumar, Sunderasan, and Datta

1. Claims 20, 21, 23-25, 27, and 28

(a) Claims 20, 21, 23-25, 27, and 28 Are Patentable at Least Because the Combination of Kumar, Sunderasan and Datta Fails to Disclose Sub-Items that are Mapped to Another Item Based on an Item Identifier and Sub-item Identifiers.

Claim 20 recites "means for splitting the request into a set of sub-requests, wherein each sub-request is for a sub-item of the item, each sub-item is mapped to the item based on an item identifier associated with the item and a sub-item identifier associated with the sub-item" (emphasis added). Claim 25 recites analogous elements. The combination of Kumar, Sunderasan, and Datta fails to teach or suggest these elements of claims 20 and 25 for at least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses sub-items that are mapped to another item based on an item identifier and sub-item identifiers.

Claims 20 and 25 recite elements analogous to those of claim 1. For at least the reasons discussed above in relation to claim 1, the combination of Kumar and Sunderasan fails to disclose each element of claims 20 and 25. Additionally, the Examiner has not cited and the Appellants have been unable locate any sections of Datta that cure the deficiencies of Kumar and Sunderasan. Thus, for at least the reasons presented above, the combination of Kumar, Sunderasan and Datta fails to teach or suggest each element of claims 20 and 25 and these claims are separately patentable. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claims 20 and 25 be overturned.

Dependent claims 21, 23, 24, 27, and 28 depend from base claims 20 and 25, respectively and incorporate the limitations thereof. Thus, for at least the reasons discussed above in connection with the respective base claims, the Appellants submit that the combination of Kumar, Sunderasan and Datta fails to teach or suggest each element of claims 21, 23, 24, 27, and 28. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claims 21, 23, 24, 27, and 28 be overturned.

2. Claim 22

(a) Dependent Claim 22 Is Patentable at Least Because the Combination of <u>Kumar, Datta</u>, and <u>Sunderasan</u> Fails to Disclose Splitting Requests into a Set of Sub-Requests Using a Set of Rules.

Claim 22 recites "wherein the means for splitting the request into a set of sub-requests uses <u>the set of rules for the splitting operation</u>" (emphasis added). The combination of <u>Kumar</u>, <u>Sunderasan</u>, and <u>Datta</u> fails to teach or suggest these elements of claim 22 for at least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses splitting requests into a set of sub-requests using a set of rules.

As noted in the Appeal Brief, the Examiner cites column 4, lines 42-50, column 7, lines 58-65, and column 11, lines 9-11 of <u>Kumar</u> to allegedly disclose these elements. *See* Final Office Action, Page 19. These sections of <u>Kumar</u> disclose clients that submit ATP requests to a fulfillment server. *See Id.* The fulfillment server turns the ATP requests into component ATP requests. *See* <u>Kumar</u>, Column 7, Lines 58-65. Thereafter, the fulfillment server brokers the component ATP requests to ATP servers based on predefined rules. *See Id.* However, <u>Kumar</u> fails to disclose that these rules are used to split the requests into sub-requests (*i.e.* turn the ATP requests into component ATP requests), because the rules are instead used to broker component ATP requests to ATP servers. *See Id.* Further, <u>Kumar</u> fails to disclose how the ATP requests are split up into component ATP requests, because <u>Kumar</u> is silent with respect to this operation. Thus, <u>Kumar</u> fails to disclose "wherein the means for splitting the request into a set of sub-requests uses the set of rules for the splitting operation" as recited in claim 22.

Further, the Examiner has not cited and the Appellants have been unable to locate any sections of <u>Datta</u> or <u>Sunderasan</u> that cure the deficiencies of <u>Kumar</u>. Thus, the combination of <u>Kumar</u>, <u>Datta</u>, and <u>Sunderasan</u> fails to teach or suggest each element of claim 22 and cannot maintain a rejection under 35 U.S.C. § 103. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claim 22 be overturned.

3. Claim 26

(a) Dependent Claim 26 Is Patentable at Least Because the Combination of <u>Kumar, Datta</u>, and <u>Sunderasan</u> Fails to Disclose

Selecting an Asynchronous or Synchronous Communication Mode Using a Set of Rules.

Claim 26 recites "<u>wherein a set of rules is used for selecting the asynchronous or the synchronous communication mode</u> and for splitting the request into a set of sub-requests" (emphasis added). The combination of <u>Kumar</u>, <u>Sunderasan</u>, and <u>Datta</u> fails to teach or suggest these elements of claim 26 for at least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses selecting an asynchronous or synchronous communication mode using a set of rules.

In maintaining the rejection of this claim, the Examiner cites sections of <u>Kumar</u> that disclose using rules and constraints to make decisions. <u>See</u> Examiner's Answer, Page 39 citing <u>Kumar</u>, Column 11, Lines 20-32 and Column 7, Lines 58-65. However, none of these sections disclose selecting an asynchronous or synchronous communication mode, because there is no discussion therein of asynchronous or synchronous communication modes. Further, the Examiner has not offered any support for how these sections could possibly be interpreted to include these elements. Instead, the Examiner provides a conclusory statement that <u>Kumar</u> discloses selecting an asynchronous or synchronous communication mode without any explanation of how this could be interpreted from the cited sections of <u>Kumar</u>, which are absent of any apparent reference to asynchronous or synchronous communication modes.

Thus, for at least the reasons presented above, <u>Kumar</u> fails to disclose "wherein a set of rules is used for selecting the asynchronous or the synchronous communication mode and for splitting the request into a set of sub-requests" as recited in claim 26. Furthermore, the Examiner has not cited and the Appellants have been unable to locate any sections of <u>Sunderasan</u> or <u>Datta</u> that cure the deficiencies of <u>Kumar</u>. Therefore, the combination of <u>Kumar, Sunderasan</u> and <u>Datta</u> fails to teach or suggest each element of claim 26 and this claim is separately patentable. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claim 26 be overturned.

(b)   Dependent Claim 26 Is Patentable at Least Because the Combination of <u>Kumar</u>, <u>Datta</u>, and <u>Sunderasan</u> Fails to Disclose Splitting Requests into a Set of Sub-Requests Using a Set of Rules.

Claim 26 recites "<u>wherein a set of rules is used</u> for selecting the asynchronous or the synchronous communication mode and <u>for splitting the request into a set of sub-requests</u>" (emphasis added). The combination of <u>Kumar</u>, <u>Sunderasan</u>, and <u>Datta</u> fails to teach or suggest these elements of claim 26 for at least the reasons set forth in the Appeal Brief. The Examiner maintains his position in the Examiner's Answer, but the Examiner has failed to establish that the cited prior art discloses splitting requests into a set of sub-requests using a set of rules.

In maintaining that these elements of claim 26 are obvious, the Examiner alleges that these elements of claim 26 are analogous to elements of claim 22. <u>See</u> Examiner's Answer, Page 39. The Examiner asserts that for the reasons presented in relation to claim 22, these elements of claim 26 are obvious in view of <u>Kumar</u>, <u>Datta</u>, and <u>Sunderasan</u>. See <u>Id.</u> However, as argued above, <u>Kumar</u>, <u>Datta</u>, and <u>Sunderasan</u> fails to teach or suggest these elements of claim 22. Thus, the combination of <u>Kumar</u>, <u>Datta</u>, and <u>Sunderasan</u> fails to teach or suggest the corresponding elements of claim 26 for at least the reasons provided above. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claim 26 be overturned.

4.   Claims 13 and 16-18.

(a)   Dependent Claims 13 and 16-18 Depend from Patentable Base Claims.

Claims 13 and 16-18 depend from independent claims 1 and 14, respectively, and thus incorporate the respective limitations thereof. For at least the reasons discussed above regarding independent claims 1 and 14, the combination of <u>Kumar</u> and <u>Sunderasan</u> fails to teach or suggest each element of dependent claims 13 and 16-18. Additionally, the Examiner has not cited and the Appellants have been unable to locate any sections of <u>Datta</u> that cure the deficiencies of <u>Kumar</u> and <u>Sunderasan</u>. Accordingly, the Appellants respectfully request that the 35 U.S.C. § 103 rejection of claims 13 and 16-18 be overturned.

In view of the foregoing, the Appellants respectfully request that the Board overturn all the above rejections.

Respectfully submitted,

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Dated: __ 8/26/2010 _____

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office electronically via EFS Web on the date shown below.

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